

Message Text

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42 L

ACTION EA-14

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NSC-10 SS-15 RSC-01 L-03 PRS-01 CIAE-00 INR-10

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R 111000 Z APR 73

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 3035

INFO AMEMBASSY MANILA

C O N F I D E N T I A L TOKYO 4410

E. O. 11652: GDS

TAGS: PFOR, JA, RP

SUBJ: JAPAN- PHILIPPINES RELATIONS

REFS: (A) TOKYO 2120 (B) TOKYO 3253

SUMMARY: FONOFF EXPECTS THAT WITHIN NEXT FEW WEEKS GO WILL RESURRECT FCN TREATY AND ASK IF GOJ IS PREPARED TO HAVE IT ENTER INTO FORCE WITH CERTAIN RESERVATIONS ON PHILIPPINE SIDE. END SUMMARY

1. ON RETURN FROM BRIEF VISIT TO MANILA (REF B), FONOFF SECOND SEA DIV HEAD HIRAOKA REVIEWED WITH EMBOFF IMPRESSIONS GAINED FROM CONVERSATIONS WITH GOP OFFICIALS AND MEMBERS OF JAPANESE EMBASSY MANILA. AS IN OUR PREVIOUS CONVERSATION (REF A), HIRAOKA' S INFORMATION AND ASSESSMENTS TRACKED WITH THOSE OF USG.

2. HIRAOKA WAS STRUCK BY APPARENT POPULARITY OF MARCOS WITH MASSES, AS EVIDENCED BY WARM RECEPTION HE RECEIVED AT DEDICATION OF WAR MEMORIAL IN COUNTRYSIDE. HIRAOKA' S EMBASSY COLLEAGUES TOLD HIM THAT MARCOS IS ALSO GETTING ALONG REASONABLY WELL WITH OLIGARCHS. IN SHORT, ONLY SIGNIFICANT CHALLENGE TO HIS AUTHORITY SEEMS TO COME FROM MINDANAO MUSLIMS.

3. ONLY NEW DEVELOPMENT TO EMERGE FROM VISIT (ON WHICH HIRAOKA WAS ACCOMPANYING FORMER PRIMIN KISHI) WAS FACT THAT
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MARCOS TOLD KISHI THAT AFTER PHILIPPINES SUPREME COURT RULED ON CONSTITUTIONALITY OF RATIFICATION PROCEDURES FOR NEW CONSTITUTION (WHICH COURT SUBSEQUENTLY DID IN MANNER FAVORABLE TO MARCOS), GOP WOULD WISH TO MOVE AHEAD ON FCN TREATY WITH JAPAN WITH SOME QTE RESERVATIONS UNQTE. HIRAOKA SPECULATED THAT MARCOS TIED RESUMED NEGOTIATIONS ON FCN TREATY TO SUPREME COURT ACTIONS BECAUSE HE PERSONALLY QTE REVERES UNQTE COURT AS EMBODYMENT OF JUSTICE AND LEGALITY AND BECAUSE HE FEARED THAT IN ABSENCE OF POSITIVE ACTION BY SUPREME COURT ON RATIFICATION ISSUE, GOJ MIGHT DECLINE TO CHANGE RATIFICATION INSTRUMENTS FOR FCN TREATY. HIRAOKA COMMENTED THAT FONOFF EXPECTS GOP TO MAKE APPROACH WITHIN NEXT COUPLE OF WEEKS AT WHICH TIME GOJ WILL FEEL OBLIGED TO RESPOND.

4. MARCOS DID NOT EXPLAIN WHAT GOP QTE RESERVATIONS UNQTE MIGHT BE, BUT PREVIOUS GOP POSITION BOILED DOWN TO THREE OBJECTIONS: AGREED TEXT DID NOT RECOGNIZE TERRITORIAL SEA AS CLAIMED BY GOP, DID NOT INCLUDE SAFEGUARD CLAUSE FOR TRADE PROBLEMS, AND MADE NO ALLOWANCE FOR PREFERENTIAL TREATMENT FOR COUNTRIES PARTICIPATING IN ANY FUTURE SOUTHEAST ASIAN CUSTOMS UNION. HIRAOKA BELIEVES GOJ HAS SUCCESSFULLY PERSUADED FILIPINO OPPONENTS OF PRESENT TEXT THAT FIRST TWO POINTS ARE NOT CUSTOMARILY INCLUDED IN ANY FCN TREATY. HE THEREFORE CONCLUDES THAT QTE RESERVATIONS UNQTE WILL CENTER ON PREFERENTIAL POSITION FOR CUSTOMS UNION MEMBERS AND THAT WAY CAN BE FOUND TO ACCOMMODATE THIS. IN THIS CONNECTION, GOJ IS CLOSELY WATCHING GOP APPLICATION TO ENTER GATT TO SEE IF THIS ISSUE SURFACES.

INGERSOLL

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